

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :  
:-----  
-v.- :  
:-----  
ANTHONY ROSADO, : 17-cr-744-03 (JSR)  
:-----  
Defendant. :  
:----- x  
JED S. RAKOFF, U.S.D.J. : ORDER

Since his release from custody in February 2020, defendant Anthony Rosado has seemingly struggled to comply with the directives of Probation and the Court. In May 2020, a petition was filed against the defendant, charging four specifications of violations of supervised release. Although the defendant was thereafter telephonically present at a telephonic conference held on June 1, 2020 to schedule future proceedings on these specifications, the defendant has since failed to communicate with Probation, as is required by the terms of his supervised release, and, on July 9, 2020, the defendant failed to appear for a court hearing. In light of the defendant's failure to appear, the Court adjourned the hearing until August 6, 2020. Since the July 9 hearing, neither Probation nor defense counsel has been able to contact the defendant, despite numerous attempts.

The Government now seeks a bench warrant for defendant's arrest. Dkt. No. 75. The defense opposes. Dkt. No. 76. Essentially, the defense counsel stresses that the defendant is experiencing homelessness and that there is a "strong likelihood" that he has lost

his cell phone and is unaware of these court proceedings. As an alternative to arrest, the defense requests that the Court appoint a defense investigator to assist counsel in locating the defendant and extend an additional 60 days for the defendant to voluntarily appear before the Court.

In light of defense counsel's suggestion, the Court will, for now, deny the Government's application for a bench warrant. However, this is contingent on (1) counsel obtaining the services of an investigator who can give the matter immediate attention, and (2) the Court's approval of the investigator and a budget for payment of the investigator, to be presented to the Court by defense counsel in a written application to be filed no later than next Tuesday, August 11, 2020.

The parties are further directed to call Chambers on September 8, 2020 at 2:00 p.m. to report on whether the defendant has been located. If he has, the Court will set an evidentiary hearing on the pending violations of supervised release. If he has not, the Court will issue the bench warrant.

In the meantime, the conference currently scheduled for August 6, 2020, is adjourned pending further order of the Court.

The Clerk of the Court is directed to close the docket entry 75.

SO ORDERED.

Dated: New York, NY  
August 5, 2020

  
JED S. RAKOFF, U.S.D.J.